

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In re DOMESTIC AIRLINE TRAVEL
ANTITRUST LITIGATION

MDL No. 2656
Case No. 1:15-mc-01404-CKK

[ORAL ARGUMENT REQUESTED]

This document relates to:

ALL CASES

CORRECTED DECLARATION OF M. FRANK BEDNARZ

I, M. Frank Bednarz, declare as follows:

1. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

1. My address is 1145 E. Hyde Park Blvd. Apt 3A, Chicago, IL 60615. My telephone number is 202-448-8742. My email address frank.bednarz@gmail.org. I am a United States citizen and resident, currently domiciled in Chicago, Illinois.

2. I am an attorney with the Center for Class Action Fairness (“CCAF”), a 501(c)(3) non-profit public-interest law firm based out of Washington D.C., founded in 2009. In 2015, CCAF merged into the non-profit Competitive Enterprise Institute (“CEI”) in Washington, D.C and became a division within their law and litigation unit. Shortly, CCAF will be moved to the Hamilton Lincoln Law Institute, and my employment will move with it. I am a member of the state bars of Illinois and Massachusetts.

2. I am represented in this objection by several other CCAF attorneys, including Theodore H. Frank. I object to both the Southwest and American Settlements and the accompanying Rule 23(h) request in *In re Domestic Airline Travel Antitrust Litigation*, MDL No. 2656, on behalf of the entire class, for the reasons stated in the Objection of Theodore H. Frank and M. Frank Bednarz. Dkt. 307. I expect that Theodore H. Frank will appear at the Fairness Hearing and object on my behalf.

My class membership

3. Between July 1, 2011, and December 20, 2017, I purchased thousands of dollars of tickets from defendant Southwest Airlines for personal use. I estimate that I have flown over 100 flights with Southwest over this time period as it is by far my favorite carrier. In fact, I find myself saddened by the passing of Southwest founder and long-time Chairman Herb Kelleher, and I wish condolences to anyone involved in this litigation that might have known him.

4. Among the numerous flights taken over the class period, on February 11, 2017, I paid \$158.94 (with unused travel funds) for a ticket from Chicago (Midway) to Salt Lake City, confirmation number 5FN9K2, to attend to the funeral arrangements for my late brother Phillip. A true and correct copy of my receipt is attached as Exhibit 1.

5. Although Southwest has possessed one of my email addresses for many years, and even though Southwest regularly sends me both promotional emails and reservation confirmations to this address (as shown in Exhibit 1), I received no email notice of this settlement. It does not appear the settlement administrator sent notice to the address Southwest should have on file for me, which is associated with my Southwest Rapid Rewards account. I would not have known about this settlement if I didn't work for CCAF.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 4, 2019, in Chicago, IL.



M. Frank Bednarz

Bednarz Decl.

EXHIBIT 1



Frank Bednarz <frank.bednarz@gmail.com>

Flight reservation (5FN9K2) | 14FEB17 | MDW-SLC | Bednarz/Michael Frank

1 message

Southwest Airlines <SouthwestAirlines@luv.southwest.com>
 Reply-To: Southwest Airlines <reply@wnco.com>
 To: bednarz@uchicago.edu

Sat, Feb 11, 2017 at 10:57 PM

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Ready for takeoff!



Thanks for choosing Southwest® for your trip. You'll find everything you need to know about your reservation below. Happy travels!

Upcoming Trip: Brothers Birthday

[Air itinerary](#)

AIR Confirmation: 5FN9K2

Confirmation Date: 02/11/2017

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
BEDNARZ/MICHAEL FRANK	274928393	5262487067731	Aug 15, 2017	808

Rapid Rewards points earned are only estimates. Visit your (MySouthwest, Southwest.com or Rapid Rewards) account for the most accurate totals - including A-List & A-List Preferred bonus points.

Date	Flight	Departure/Arrival
Tue Feb 14	1410	Depart CHICAGO (MIDWAY), IL (MDW) on Southwest Airlines at 8:05 PM Arrive in SALT LAKE CITY, UT (SLC) at 10:40 PM Travel Time 3 hrs 35 mins Wanna Get Away

Check in for your flight(s): 24 hours before your trip on [Southwest.com](#) or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.

Bags fly free®: First and second checked bags. [Weight and size limits apply](#). One small bag and one personal item are permitted as [carryon](#) items, free of charge.

30 minutes before departure: We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as

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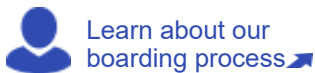
L 10 minutes before departure: You must obtain your boarding pass(es) and be in the gate area for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.

i If you do not plan to travel on your flight: In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

Air Cost: 158.94


Fare Rule(s): 5262487067731: NONREF/NONTRANSFERABLE/STANDBY REQ UPGRADE TO Y.
 Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase. Failure to cancel reservations for a Wanna Get Away fare segment at least 10 minutes prior to travel will result in the forfeiture of all remaining unused funds.

CHI WN SLC134.64OLN0WNR 134.64 END ZPMDW XFMDW4.5
 AY5.60\$MDW5.60



Cost and Payment Summary

✈ AIR - 5FN9K2		
Base Fare	\$ 134.64	Payment Information
Excise Taxes	\$ 10.10	Tkls funds applied from Conf# BB486H
Segment Fee	\$ 4.10	(\$0.00 remaining) \$87.98
Passenger Facility Charge	\$ 4.50	
September 11th Security Fee	\$ 5.60	Tkls funds applied from Conf# BC7F8S
Total Air Cost	\$ 158.94	(\$0.00 remaining) \$38.98
		Tkls funds applied from Conf# B76MV7
		(\$17.00 remaining) \$31.98

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¹ All travel involving funds from this Confirmation Number must be completed by the expiration date.

² Security Fee is the government-imposed September 11th Security Fee.

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See [Southwest Airlines Limit of Liability](#)

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Dallas, TX 75235

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